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STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

Department of Public Health and Addiction Services v.

Jacquelyn Hodgson, L.P.N.

Licensed Practical Nurse License No. 012730

560 Main Street, Apt. 2-G

West Haven, Connecticut 06516

CASE PETITION NO. 930317-11-014

012730

MEMORANDUM OF DECISION

INTRODUCTION

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated April 20, 1994. (Department Exhibit 1) The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Jacquelyn Hodgson (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated April 27, 1994 scheduling a hearing for September 21, 1994. The hearing took place on September 21, 1994 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record and his/her specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board made the following findings of fact:

1. Jacquelyn Hodgson, hereinafter referred to as the Respondent, was issued Licensed Practical Nurse License Number 012730 on June 9, 1972 and was the holder of said license at all times referred to in the Statement of Charges. (Department Exhibit 1)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing and Statement of Charges were delivered to the Respondent by certified mail.
4. The Respondent was present during the hearing but was not represented by counsel. The Respondent was advised that she had the right to be represented by an attorney. (Hearing Transcript, September 21, 1994, pp. 2-3)
5. During the hearing the Respondent provided written and verbal answers to the Statement of Charges (Respondent's Exhibit A) (Hearing Transcript, September 21, 1994, pp. 11-13)
6. That from on or about May 29, 1982 the Respondent has been employed as a licensed practical nurse at Pond Point Health Care Center, Milford, Connecticut. (Answer: Hearing Transcript, September 21, 1994, pp. 11-12)
7. That on or about August 20, 1992 and subsequent thereto while working as a licensed practical nurse at Pond Point Health Care Center, the Respondent diverted the controlled substances Vicodin and Propoxyphene. (Answer: Hearing Transcript, September 21, 1994, p. 12)

8. That the Respondent abused or utilized to excess the controlled substances Vicodin and Propoxyphene which she diverted from Pond Point Health Care Center. (Answer: Hearing Transcript, September 21, 1994, p. 12)
9. That on or about August 20, 1992 and subsequent thereto, while working as a licensed practical nurse at Pond Point Health Care Center, the Respondent recorded on controlled substance records that doses of Lorazepam, Vicodin and Propoxyphene were administered to patients, however, she failed to make corresponding documentations on patient medication administration records or in nursing notes. (Department Exhibit 2)
10. That on or about August 20, 1992 and subsequent thereto, while working as a licensed practical nurse at Pond Point Health Care Center, the Respondent falsified one or more controlled substance receipt records. (Answer: Hearing Transcript, September 21, 1994, p. 13)
11. That the Respondent has a history of alcohol abuse. (Hearing Transcript, September 21, 1994, pp. 14-15)
12. That the Respondent began treatment for chemical dependency at The Connecticut Mental Health Center Substance Abuse Treatment Unit on or about July 7, 1993. The Respondent is being treated with Naltrexone and Antabuse. (Respondent's Exhibit A) (Hearing Transcript, September 21, 1994, pp. 24-25)

### DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Jacquelyn Hodgson held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §§19-2a-1 through 19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges alleges that on or about August 20, 1992 and subsequent thereto while working as a licensed practical nurse at Pond Point Health Care, Milford, Connecticut, the Respondent:

- "a. diverted Lorazepam, Vicodin and/or Propoxyphene;
- b. abused or utilized to excess one or more of said medications;
- c. failed to completely or properly or accurately make documentations in the medical or hospital records; and/or,
- d. falsified one or more Controlled Substance Receipt Records."

The Respondent admits the charges in paragraphs 3a and 3b as they pertain to Vicodin and Propoxyphene but denies the charges pertaining to Lorazepam. The Respondent admits the charges in Paragraphs 3c and 3d. (Respondent's Exhibit A) (Answer: Hearing Transcript, September 21, 1994, pp. 11-13)

Based on its findings and the Respondent's admission the Board concludes that the Respondent's conduct as specified in the Statement of Charges, Paragraphs 3a and 3b as they pertain to Vicodin and Propoxyphene are proven and that insufficient evidence was presented with regard to Lorazepam. The Board further concludes that the Respondent's conduct as specified in the Statement of Charges Paragraphs 3c and 3d is proven.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or or negligence in carrying out usual nursing functions... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals... (6) fraud or material deception in the course of professional services or activities.... "

The Board concludes the Respondent's conduct in the Statement of Charges Paragraph 3, which is proven, violates the General Statutes of Connecticut 20-99(b)(2), (5) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to Section 19a-17 of the General Statutes of Connecticut.

**ORDER**

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraph 3, the Respondent's licensed practical nurse license, No. 012730, is placed on probation for a period of three (3) years.
2. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be immediately revoked.
  - A. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by her employer(s) within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
  - B. Should the Respondent change employment at any time during the probationary period, she shall provide a copy of this Memorandum of Decision to her employer and said employer shall notify the Board in writing, within thirty (30) days, as to receipt of a copy of this Memorandum of Decision.
  - C. The Respondent shall not accept employment as a nurse for a personnel provider service, Visiting Nurse Association or home health care agency and shall not be self-employed as a nurse during the period of her probation.
  - D. The Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor, if employed as a nurse, for the entire probationary period.

- E. The employer reports cited in Paragraph D above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph O below and shall commence with the report due January 1, 1995.
- F. At her own expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist for the entire period of probation.
- G. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date, as to receipt of a copy of this Memorandum of Decision.
- H. The Respondent shall cause monthly therapy reports to be submitted to the Board by her therapist, commencing on January 1, 1995, for the entire probationary period.
- I. The therapist reports cited in Paragraph H above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. The therapist reports shall also confirm Naltrexone and Antabuse treatment. Discontinuation of Naltrexone and Antabuse treatment shall be reported to the Board. Therapist reports shall be issued to the Board at the address cited in Paragraph O below.
- J. The Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist and/or personal physician. Said screens shall be legally defensible in that the specimen donor and chain of custody must be identified throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking. There must

be at least one such random alcohol/drug screen monthly for the entire probationary period. Reports of said random alcohol/drug screens are due monthly commencing January 1, 1995.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that the chain of custody procedure has been followed.

Reports of random alcohol and drug screens shall be submitted directly to the Board at the address cited in Paragraph O below by the Respondent's therapist or personal physician or the testing laboratory.

- K. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications.
- L. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substances containing poppy seeds should be avoided during the probationary period.  
  
In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.

O. All correspondence and reports are to be addressed to:

BOARD OF EXAMINERS FOR NURSING  
Department of Public Health and Addiction Services  
150 Washington Street  
Hartford CT 06106

3. Any deviation from the terms of probation without prior written approval by the Board of Examiners for Nursing will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order and will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut including, but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Connecticut Board of Examiners for Nursing shall not be a waiver or preclude the Board's right to take action at a later time. The Connecticut Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to Respondent's address of record (most current address reported to the Licensure and Renewal Section of the Division of Medical Quality Assurance of the Department of Public Health and Addiction Services or the Connecticut Board of Examiners for Nursing.)
4. This Memorandum of Decision becomes effective and the three (3) year probation of the Respondent's registered nurse license shall commence on December 15, 1994.

The Board of Examiners for Nursing finds the misconduct regarding Paragraphs 3a, 3b, 3c and 3d is severable and each specified offense warrants the disciplinary action imposed.

The Board of Examiners for Nursing hereby informs the Respondent, Jacquelyn Hodgson, and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 14th day of December, 1994.

BOARD OF EXAMINERS FOR NURSING

By



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